

as to challenge the admiration of the world, and to change indifference into friendship and enthusiasm. For his services on that memorable occasion he was offered by Texas, the Chief command of the Army. His genius, his pre-eminent abilities, his high character and enthusiastic devotion to the interests of the country, illustrated and adorned the various exalted civil trusts with which he was honored by the Republic; as our Minister, he secured a treaty with Great Britain, the most powerful nation on the Globe. He also negotiated a treaty with the Kingdom of the Netherlands, and performed many other signal services, with high honor to himself, and to the benefit of the nation which he represented. By special act of the Congress, he was vested with the rights of citizenship, and he ranks very high among the eminent and illustrious of her citizens.

Resolved, That this body will manifest its respect for the memory of the deceased, by wearing the usual badge of mourning, and that a copy of the proceedings be transmitted to the family of the deceased. Adopted unanimously.

On motion of Mr. Caldwell, the Senate adjourned until Friday morning, 10 o'clock.

FRIDAY, November 27, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed the Senate bill, supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve.

Mr. Grimes presented the petition of Daniel Baker, Agent of Austin College; read and referred to the committee on Education.

Mr. Pedigo presented the petition of citizens of the county of Tyler; referred to the committee on Roads, Bridges and Ferries.

Mr. Guinn presented the petition of A. J. Coupland; referred to the committee on Public Lands.

Mr. Stockdale presented the memorial of certain citizens of Indianola, praying for a Railroad Charter; referred to the committee on Internal Improvements.

Mr. Fall from the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to prolong the times of holding the regular quarterly terms of the County Courts, for the transaction of county business ; and

A bill to define the time of holding the sessions of the Supreme Court.

Mr. Russell, Chairman of the same committee, reported the following bills correctly engrossed.

A bill for the relief of actual settlers, who settled on the Mississippi and Pacific Railroad reserve, prior to the 21st day of December, 1853, and failed to have their lands surveyed within eight months, and field notes returned to the General Land Office, within twelve months from their settlement ; and

A bill to authorize the sale and settlement of the alternate sections of land, in Fisher & Miller's Colony, and to repeal the 10th Section of an act to secure to the German Emigration Company the lands to which they were entitled &c. approved January 21, 1857.

Mr. Burroughs, from the committee on Enrolled Bills, reported,

A Joint Resolution authorizing the Commissioner of Claims to employ two additional Clerks ; and

A bill to legalize Hopkins' Land District and surveys made therein, correctly enrolled, properly signed and presented to the Governor.

Mr. Potter, Chairman of the committee on the Judiciary, made the following report.

The Judiciary committee to which was referred the petition of a portion of the citizens of Live Oak county, in relation to the county site, have examined the same, and believe that the prayer of the petitioners should be granted ; the committee, therefore, direct me to report the accompanying bill to the Senate for the purpose of effecting the object of petitioners and recommend its passage.

A bill to legalize the location of the county site of Live Oak county ; read first time.

The Judiciary committee have considered a bill to secure the right of redemption in lands sold under an execution ; the object of the bill is to allow the defendant, whose land has been sold under execution, or any creditor of the defendant in execution, whose claim has accrued prior to the sale,

to redeem the land at any time within twelve months after the sale, upon complying with certain conditions in the bill. A majority of the committee direct me to report that the proposed legislation is inexpedient; that it would depreciate the value of lands so sold under execution, and thereby injure both debtor and creditor, probably without any substantial benefit accruing to other creditors of the execution debtor. Lands in our State are every day changing hands in the common business transactions of the country, and in public estimation with our people, they stand upon the same footing with personal property, and but few of the transactions in land, are made with a view to their settlement and cultivation; when real estate assumes a more stable character, in its relations to personal property, and the usual business of the country, there may be some utility in well digested legislation upon this subject. They therefore recommend that the bill do not pass.

The Judiciary committee to which was referred a bill to permit free persons of African descent, to select their own masters and become slaves, have considered the same, and a majority of the committee instruct me to return the bill to the Senate, with a substitute therefor, and recommend its adoption and passage.

On motion of Mr. Graham, the rule was suspended, report and bill taken up, and made the special order of the day for Wednesday next, the 2d of December, and 100 copies of the substitute, and 50 copies of the original bill, ordered to be printed for the use of the Senate.

Mr. Martin, Chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims, to which was referred a bill to extend the time for locating and returning Land Certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Railroad Company, return the same to the Senate, and recommend its passage.

The committee on Private Land Claims have considered a bill for the relief of William H. Ray, and recommend its passage.

The committee on Private Land Claims have considered a bill for the relief of James Starritt, and recommend its passage, with the following amendment:

In Section 1, after the word "issue," strike out and insert "as in other cases."

The committee on Private Land Claims, have considered a bill for the relief of Helena Eglinger, and a majority of the committee instruct me to recommend the passage of the bill with the following amendment :

Strike out the name of "Eglinger," and insert that of "Eggeling," in lieu thereof.

On motion of Mr. Stockdale, the rule was suspended, the bill and report taken up, read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Stockdale, the rule was further suspended ; bill read a third time and passed.

Mr. Burroughs asked leave to record his vote in favor of the rejection of a bill, to establish a code of civil procedure for the State of Texas ;

And against the passage of a bill for the relief of L. S. Hargous, the heirs of H. R. W. Hill, G. B. Lamar and the widow and children of Samuel Swartwout, deceased, which votes were taken on Wednesday last during his absence from the Senate on account of indisposition ; granted.

A message was received from the House informing the Senate that the House had passed a Senate bill, for the relief of the legal representatives of Eli Hart, deceased,

And also the following bills originating in the House :

A bill authorizing the Commissioner of the General Land Office, to issue a Duplicate Certificate to Levi Korn, on certain conditions, and

A Joint Resolution, recognising the rank of Captain John G. Tod, late Texas Navy, and requesting our Senators and Representatives in Congress, to use their influence to procure the passage of a law incorporating him into the United States Navy, with the rank he held at the time of annexation.

Mr. Britton offered the following Resolution :

Resolved, That the committee on Printing of the Senate, be and are hereby authorized to arrange with the like committee on the part of the House, for Printing 1000 copies of the Resolutions of the two Houses, upon the death of Gen. Jas. Hamilton, with the proceedings of the Supreme Court, and remarks made upon said Resolutions and proceedings, for the use of the Senate ; adopted.

Mr. Herbert introduced a bill to amend an act, to provide for the investment of the Special School Fund, in the bonds

of Railroad Companies, incorporated by the State, approved, August 3, 1856 ; read first and second times, and reported to the committee on Internal Improvements.

ORDERS OF THE DAY.

A House bill to pay for printing the Proclamation of the Governor ; read first and second times, and referred to the committee on Finance.

A bill to incorporate the Columbus, San Antonio and Rio Grande Railway Company, with the report of the committee on Internal Improvements offering amendments thereto ; was read, and

On motion of Mr. Stockdale, made the special order of the day, for Tuesday next, 1st proximo.

A bill to provide for the sale and settlement of all alternate sections of land, reserved to the State in Fisher & Miller's Colony &c.; was read, and

On motion of Mr. Potter, laid on the table.

The Resolution offered by Mr. Guinn, on Wednesday last, relative to the meeting of the Senate, was read and rejected by the following vote :

YEAS—Messrs. Erath, Guinn, Lott, Shepard, Taylor, of Cass, Taylor, of Houston, Truitt and Walker—8.

NAYS—Messrs. Britton, Burrroughs, Caldwell, Fall, Graham, Grimes, Herbert, Hyde, Martin, Maverick, Pirkey, Potter, Quinan, Russell, Scarborough, Stockdale, Taylor, of Fannin, Throckmorton, Wigfall and Wren—20.

A House bill to locate the Seat of Justice of Angelina county, was read.

Mr. Fall offered a substitute for the bill, making Jonesville the county site ; adopted.

Mr. Stockdale moved the reference of the bill to the committee on the Judiciary ; lost.

The bill was then ordered to be engrossed.

Mr. Martin moved a suspension of the rule, that the bill might be put upon its final passage ; lost.

The report of the committee on Public Lands, recommending that a bill to amend an act granting lands to emigrants, approved January 4, 1841, be laid upon the table, was read and adopted.

On motion of Mr. Graham, the Senate agreed to go into committee of the Whole, on Monday next, the 30th inst., at 11 o'clock A. M., upon a bill to authorize the sale of the Public Domain.

On motion of Mr. Graham, a bill to provide for a Geological and Agricultural Survey of the State, was taken from the table and read.

Mr. Graham offered the following amendments, as a substitute for Section 4 and 5.

Section 4. That said State Geologist for the performance of said service, shall receive an annual salary of three thousand dollars, to be paid to him quarterly, after he enters upon the duties of his office, and that the sum of fifteen thousand be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Governor, for the purpose carrying into effect this act, by employing assistants, and defraying the incidental expenses of this office ; and upon the presentation by the State Geologist, of proper vouchers, approved by the Governor, the Comptroller is hereby authorized to draw his warrants on the Treasurer for the costs of any Chemical Apparatus or other outfit, deemed necessary by the Governor as well as all other expenses of said survey, *Provided*, the amount expended shall not exceed the amount herein specified and appropriated.

Section 5. That said State Geologist and his assistants, before entering upon the duties of their respective offices, shall make oath before some competent officer that they will not purchase any lands in this State with a view to speculation, during the time they hold their said offices, and that they will not conceal or suppress information relative to any valuable discovery which they may make, pertaining to objects of said survey, either from the State or from any individual upon whose land said discovery may be made, and will so conduct the survey as to give as much publicity as possible to the important results of said survey.

Mr. Taylor, of Cass, offered the following as an amendment to the amendment :

Provided, That the salary of each Assistant Sate Geologist shall not exceed fifteen hundred dollars per annum, for the time they may be engaged ; adopted.

Mr. Grimes moved to amend the amendment by adding to Section 5 the following proviso :

Provided further, That not more than three assistants shall be appointed ; lost.

The amendments offered by Mr. Graham was then adopted.

Mr. Potter offered the following as an amendment to come in after "Geologist," in line 3, Section 1 :

Who shall hold his office for two years, and until his successor shall be appointed and qualified ; and

On motion of Mr. Quinan, the amendment was amended by adding after "qualified," unless removed by the Governor for neglect to perform the duties of his office, or for malfeasance in office ; adopted.

The amendment offered by Mr. Potter was then adopted.

On motion of Mr. Potter, the bill was further amended by adding to Section 1 :

And before entering upon the discharge of the duties of his office, he shall enter into bond with security, to be approved by the Governor, in the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Mr. Stockdale offered the following amendment to come in as an independent Section :

That said State Geologist shall keep his office at the city of Austin, but shall not be required to remain in said office except as his duties allow ; and shall keep in said office, such specimens as he shall deem necessary to convey to such office. And such Geologist shall make a report to the Legislature, at its regular sessions, of his surveys, explorations and examinations into the mineral and other natural resources of the State, its climate and Agricultural adaptability, accompanied by illustrated maps, charts and drawings, with reference to the same ; which report shall be the exclusive property of the State ; *Provided*, however, that the said Geologist shall not be prohibited from publishing any such facts, maps, charts and drawings, which it is made his duty to report.

Pending which, on motion of Mr. Britton, the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, November 28, 1857.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Grimes presented the memorial of the Baptist Publication Society ; referred to the committee on the Judiciary.